

**78B-6-1109 Abatement by eviction order -- Grounds.**

An order of abatement by eviction may issue only upon a showing by the applicant by a preponderance of the evidence that:

- (1) the applicant will suffer irreparable harm unless the order of abatement by eviction issues;
- (2) the threatened injury to the applicant outweighs whatever damage the proposed order of abatement by eviction may cause the party so ordered;
- (3) the order of abatement by eviction, if issued, would not be adverse to the public interest; and
- (4) there is a substantial likelihood that the applicant will prevail on the merits of the underlying claim, or the case presents serious issues on the merits which should be the subject of further litigation.

Renumbered and Amended by Chapter 3, 2008 General Session